

Mitchell Silberberg & Knupp LLP

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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2010 JAN 28 A 10:39

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January 27, 2009

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT

VIA E-MAIL AND U.S. MAIL

**DMCA Complaints
YouTube, Inc.
901 Cherry Ave., Second Floor
San Bruno, CA 94066
copyright@youtube.com**

CV 10-800 13M¹⁰⁰ JF

HBL

Re: Notice Pursuant to 17 U.S.C. section 512

To DMCA Designated Agent:

I submit to you the following accurate statement pursuant to section 512 of Title 17 of the U.S. Code and, under penalty of perjury, inform you that Mitchell Silberberg & Knupp LLP is authorized to act on behalf of Take-Two Interactive Software, Inc. ("Take-Two"), owner of copyright and exclusive rights thereunder in the video game "BioShock 2."

I additionally inform you that exclusive rights owned by Take-Two in the above mentioned materials were being infringed on your website on or about the date of this letter. Specifically, these materials were being made available at URLs including (without limitation) the following:

- <http://www.youtube.com/watch?v=Dv-Ah5zKDQQ>

I hereby state that the information contained in this notice is accurate, and, under penalty of perjury, that I have a good faith belief that the use of these materials for viewing on YouTube.com is not authorized by Take-Two, its agents, or the law.

I expect you to take expeditious action to remove or disable access to the materials indicated above. I very much appreciate your cooperation in this matter. Please advise me regarding what actions you have taken, or intend to take, by contacting me at the above address.

Very truly yours,

Eric Boast

Eric S. Boorstin
MITCHELL SILBERBERG & KNUPP LLP

FAXED

DECLARATION OF ERIC S. BOORSTIN

LOS ANGELES, CA)
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I, Eric S. Boorstin, the undersigned, declare that:

1. I am an associate of the law firm Mitchell Silberberg & Knupp. Mitchell Silberberg & Knupp LLP is counsel for Take-Two Interactive Software, Inc. ("Take-Two") and is authorized to act on Take-Two's behalf in the protection of copyrights and/or exclusive rights possessed by Take-Two pertaining to numerous highly popular video games. Take-Two's copyrights include, but are not limited to, the computer software program entitled "BioShock 2".
2. Take-Two is requesting the attached proposed subpoena that would order YouTube, LLC to disclose the identity, including the name(s), address(es), telephone number(s), e-mail address(es), and IP address(es) of the user(s) responsible for operating and streaming content on the website <http://www.youtube.com/watch?v=Dv-Ah5zKDQQ>, which upon information and belief, was the user(s) connected to the username "Mrb10sh0ck".
3. According to investigations made by my office, the aforementioned website was recently hosted by YouTube.com, a website operated by YouTube, LLC.
4. The purpose for which this subpoena is sought is to obtain the identity of the individual(s) associated with <http://www.youtube.com/watch?v=Dv-Ah5zKDQQ> which infringe Take-Two's copyright in BioShock 2. The information so obtained only will be used for the purposes of protecting the rights granted to Take-Two under the Copyright Act.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information or belief.

Executed in Los Angeles, on January 27, 2010.



Eric S. Boorstin, Esq.

Court Name: U.S. District Court, NDCA
Division: 5
Receipt Number: 54611006704
Cashier ID: harwellt
Transaction Date: 01/28/2010
Payer Name: San Francisco Legal Support

MISCELLANEOUS PAPERS
For: In Re: DMCA Subpoena to
Case/Party: D-CAN-5-10-MC-80013-001
Amount: \$39.00

CHECK
Check/Money Order Num: 58054
Amt Tendered: \$39.00

Total Due: \$39.00
Total Tendered: \$39.00
Change Amt: \$0.00

Case # 10-mc-80013-JF

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.